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Measures to eliminate international terrorism

Letter dated 9 February 2004 from the representatives of Australia and Indonesia to the United Nations addressed to the Secretary-General

As part of our region's continuing efforts to combat terrorism, Australia and Indonesia hosted a ministerial-level counter-terrorism meeting in Bali, Indonesia, on 4 and 5 February 2004. Twenty-five countries from the region and beyond attended.

The meeting resulted in agreement on several important steps to strengthen the region's counter-terrorism effort, especially in the critical areas of law enforcement, information sharing and legal frameworks. In addition, Australia and Indonesia announced the establishment of the Indonesian Centre for Law Enforcement. The initiative was welcomed by participating ministers.

The full outcomes of the meeting are contained in the Co-Chairs' Statement, which is attached (see annex). We would be grateful if it could be circulated as a document of the General Assembly under agenda item 156.

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Annex to the letter dated 9 February 2004 from the representatives of Australia and Indonesia to the United Nations addressed to the Secretary-General

Bali Regional Ministerial Meeting on Counter-Terrorism

Co-Chairs' Statement

Bali, 5 February 2004

I. Introduction

1. We, the Foreign Ministers of Indonesia and Australia, had the honour to Co-Chair the Regional Ministerial Meeting on Counter-Terrorism in Bali, Indonesia on 4-5 February 2004, attended by both foreign affairs and law enforcement Ministers, or their representatives, of Brunei Darussalam, Cambodia, Canada, the People's Republic of China, Fiji, France, Germany, India, Japan, Laos, Malaysia, Myanmar, New Zealand, Papua New Guinea, the Philippines, the Republic of Korea, the Russian Federation, Singapore, Thailand, Timor-Leste, Vietnam, the United Kingdom, the United States of America and representatives of the European Union. Senior representatives of relevant United Nations committees, the ASEAN Secretariat, the Pacific Islands Forum Secretariat, the APEC Secretariat, the APG Secretariat and Interpol participated as observers of the meeting.

2. The President of the Republic of Indonesia, H.E. Ms. Megawati Soekarnoputri, opened the proceedings on the 4th February 2004. The President of Romania H.E. Ion Iliescu addressed the Meeting on the 5th February 2004.

3. Ministers affirmed that terrorism, irrespective of its origins, motivations or objectives, continues to constitute a threat to all peoples and countries, and to our common interest in ensuring peace, stability, security and economic prosperity in our region and beyond. Ministers reiterated their strong condemnation of acts of terrorism in all its forms andmanifestations. Ministers emphasised the importance of avoiding the identification of terrorism with any particular religion or ethnic group. Ministers agreed that the campaign against terrorism can only be won through comprehensive and balanced measures in full conformity with the purposes and principles of the Charter of the United Nations and international human rights covenants.

4. Ministers noted with concern the close connection between international terrorism and transnational organized crime, illicit drugs,

money laundering, illegal arms trafficking and illegal movement of nuclear, chemical, biological and other potentially deadly materials and their means of delivery, and in this regard emphasised the need to enhance coordination of efforts on national, sub-regional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security.

5. Ministers expressed their full commitment to address these cross border threats by enhancing regional cooperation and coordination among relevant national agencies. In this regard, Ministers resolved to pursue more effective regional cooperation and coordination among police, defence, justice, customs, immigration and other relevant agencies and emphasised the importance of information sharing, national capacity building in the fields of law enforcement and appropriate legal frameworks to facilitate mutual legal assistance, and cooperation between national jurisdictions in preventing, suppressing and combating terrorism.

6. Ministers recognised that the scourge of terrorism also poses a serious threat to regional economic development. Ministers were therefore of the view that effective counter-terrorism measures were vital to provide a conducive climate for business activities – essential for the attainment of peace, stability and prosperity in the region. In this regard Ministers welcomed the role and partnership of the business community in the joint campaign against terrorism within the framework of shared responsibility.

7. While expressing abhorrence at the terrorist attacks within the region, Ministers demonstrated their solidarity with the victims of those attacks, and expressed their resolve to confront and pursue the perpetrators. The heinous terrorist bombing on 12 October 2002 in Bali, which cost 202 lives, has served as a valid foundation for the holding of the Meeting on this island. Ministers underlined the importance of countries working together cooperatively to tackle terrorism.

II. Recent International and Regional Developments

8. Ministers highlighted the strong statement of regional resolve to strengthen national and regional counter-terrorism capacities contained in the ASEAN Declaration on Joint Action to Counter Terrorism adopted in Brunei Darussalam on 5 November 2001, reiterated in the Declaration on Terrorism by the 8th ASEAN Summit in Phnom Penh on 3 November 2002 and recognised in the commitment to establish the ASEAN Security Community under the Bali Concord II declared at the 9th ASEAN Summit in Bali on 7 October 2003.

9. Ministers welcomed the outcome of the 4th ASEAN Ministerial Meeting on Transnational Crime (AMMTC) held in Bangkok on 8 January 2004. They supported AMMTC's continuing effort to combat transnational crime through the implementation of the Working Plan to Implement the ASEAN Plan of Action to Combat Transnational Crime. They also welcomed the inaugural meeting of the AMMTC + 3, held in Bangkok on 10 January 2004.

10. Ministers welcomed the ASEAN Regional Forum's (ARF) continuing commitment to strengthen regional cooperation in the fight against terrorism, which was reaffirmed at the 10th ARF Ministerial Meeting in Phnom Penh on 18 June 2003. They noted the ARF's determination to raise public awareness about, and take effective action against, terrorism including through coordinated regional capacity-building. To this end, Ministers acknowledged the ARF's series of Confidence Building Measures (CBMs) in critical areas including combating the financing of terrorist activities and managing the consequences of terrorist attacks. They encouraged the ARF to build on the results of these CBMs and welcomed steps already taken, including the establishment of a regional register of national response agencies to facilitate rapid cooperative reactions to terrorist attacks.

11. Ministers also welcomed the inaugural ARF Intersessional Meeting (ISM) on Counter-Terrorism and Transnational Crime held in Sabah on 20-22 March 2003 which led to the adoption of an ARF Statement on Cooperative Counter-Terrorist Actions on Border Security. They supported the ARF's commitment to a second ISM in Manila in March 2004 and expressed the hope that it would produce concrete proposals to improve regional cooperation in the important area of transport security.

12. Ministers expressed support for the resolutions adopted by the 23rd ASEANAPOL Conference held in Manila on 8-12 September 2003 to exchange information and intelligence on terrorist organisations, maintain for ready referencing a list of police counter-terrorism units, monitor newly-emerging militant groups to prevent them developing into terrorist groups, develop and consult on counter-terrorism training to enhance policing capabilities, encourage legislative efforts to criminalize terrorism and circulate information on threats to major regional events.

13. Ministers welcomed the strong re-affirmation of commitment to enhance regional counter-terrorism cooperation contained in the APEC Economic Leaders'statement of 21 October 2003, noting the commitment to dismantle, fully and without delay, transnational terrorist groups that

threaten the APEC economies. Ministers welcomed the important role of APEC's newly-created Counter-Terrorism Task Force in coordinating the implementation of APEC's commitment to fight terrorism. They applauded the development of the APEC Counter-Terrorism Action Plans as a practical means to assist APEC members in implementing their Leaders'commitment in fighting terrorism and promoting economic growth and to identify and respond to capacity building needs. In this regard, Ministers welcomed the cooperation between APEC's Counter Terrorism Task Force, the Counter Terrorism Action Group (CTAG) of the G-8, the United Nations Security Council Counter-Terrorism Committee and other international, regional and functional organizations, as well as cooperation with international financial institutions (IFIs).

14. Ministers welcomed the progress to implement the Secure Trade in the APEC Region (STAR) initiative, the APEC Energy Security Initiative, APEC's Initiatives on Countering the Financing of Terrorism and the APEC Cyber Security Strategy. In this context,Ministers welcomed the decision by the APEC Leaders'Meeting in Bangkok to establish a regional trade and financial security initiative within the Asian Development Bank to support projects that enhance port security, combat terrorist finance and achieve other counter-terrorism objectives. Ministers noted APEC's decision to strengthen their efforts to curb threats against mass transportation and confront the threat posed by terrorists'acquisition of Man-Portable Air Defence Systems (MANPADS) against international aviation and welcomed APEC's agreement to explore the development of a computerised regional alert system to prevent terrorist and criminal movements.

15. Ministers acknowledged progress being made under the 2002 Nasonini Declaration by the countries of the Pacific Islands Forum, reflecting the response of member states to the threat of transnational crime and terrorism and underlining the Pacific region's commitment to introduce national legislation and strategies to meet the obligations of UNSCR 1373.

16. Ministers welcomed the decision of the members of the South West Pacific Dialogue countries made in Yogyakarta in October 2002 to devote their individual and collective energies to meeting the challenges posed by terrorism through a cooperative approach, including by exchange of information.

17. Ministers noted valuable cooperative efforts already undertaken such as the Regional Conference on Combating Money Laundering and Terrorist Financing, held in Bali in December 2002, which represented a significant

step forward to prevent and counter the funding of terrorism. Ministers also recognised that existing regional fora were carrying out important activities in combating other forms of transnational crime, including in the areas of border security, identity verification and detection of document fraud. They acknowledged the ongoing work of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime as one example of important activity which was complementary to regional counter-terrorism efforts.

18. Ministers welcomed the contributions of governments outside the South East Asian region and the constructive roles played by key regional and international bodies in building the capacity of national and regional institutions to combat terrorism. Ministers noted that inter-regional cooperation was an important strategy and complementary to other regional and bilateral efforts.

19. Ministers stressed the vital role of the United Nations in strengthening international cooperation to combat global terrorism and highlighted the importance of countries meeting the obligations of UNSCR 1267, UNSCR 1373, UNSCR 1390 and UNSCR 1455 and other relevant UN resolutions. Ministers also noted the vital importance of addressing the financing of terrorism and acknowledged the OECD Financial Action Task Force Special Recommendations on Terrorist Financing and the work of the Asia-Pacific Group on Money Laundering as providing an effective framework to detect, prevent and suppress the financing of global terrorism. Ministers welcomed the important role played by Interpol in facilitating practical international law enforcement cooperation.

III. Review of the Effectiveness of Regional Counter-Terrorism Measures

20. Ministers reviewed the state of cooperation in investigation of terrorist attacks and prosecution of perpetrators, exchange of information on terrorist networks and planning, efforts to reduce financial support for terrorists, border control and development of arrangements for mutual legal assistance. Ministers acknowledged regional counter-terrorism results achieved to date, including the detention or arrest ofover 200 terrorist suspects, including some key terrorist leaders, in the region in the past few years. However, they stressed that more remains to be done by states through enhanced cooperation and coordination in preventing and combating terrorism.

21. Ministers noted the example provided by the excellent cooperation that has developed between Indonesian and Australian law enforcement agencies through the investigation of the October 2002 Bali bombings and praised this as a practical demonstration of the value of collaboration to combat the scourge of terrorism. Ministers welcomed the enhanced cooperation and coordination that already existed between many law enforcement and other agencies in the region and noted the contribution this has made to combating terrorism. Ministers also welcomed Malaysia's initiative to establish the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT). Ministers encouraged all regional countries, and those with interests in the stability and economic development of the region, to intensify further their cooperation and coordination in combating global terrorism.

IV. Consolidating and Building Regional Cooperation and Coordination

22. Ministers resolved to maintain and build the already substantial political momentum behind counter-terrorism efforts in South East Asia, particularly those with a focus on practical and operational law enforcement issues, and to identify new ways of enhancing counter-terrorism collaboration within countries and encouraging more effective cooperation among law enforcement agencies in the region.

23. Ministers resolved that, subject to domestic laws and according to their respective national circumstances, they would work towards developing more effective information sharing arrangements within the region, to obtain a more complete picture of the activities and foundations of terrorist networks, their sources of financing and support and any linkages with other forms of transnational crime. Ministers highlighted the need for effective national legislation to punish those involved in terrorist activities and to cooperate in the effective prosecution of such activities in accordance with domestic law, regional commitments and international obligations.

24. In order to strengthen the mechanisms for regional cooperation and collaboration between law enforcement and other relevant agencies, Ministers recommended the following as measures to combat terrorism:

A. States should take practical steps to enhance national counter-terrorism coordination between law enforcement agencies and other relevant organizations.

B. States should take steps to identify ways of enhancing counter-terrorism cooperation and encouraging more effective coordination, including information sharing among our respective law enforcement and intelligence agencies, with the aim of dismantling terrorist networks and enabling closer cooperation to prevent terrorist attacks.

C. States should work together to increase those law enforcement capabilities required to combat terrorism and should work on collaborative capacity-building efforts to achieve those capabilities, including through overseas development assistance programs.

D. While every effort should be made to bolster preventative mechanisms, States should work together to investigate terrorist attacks, including through provision of relevant technical expertise and equipment, to ensure perpetrators can be speedily identified, detained and brought to justice.

E. States should recognize the importance of law enforcement agencies having appropriate powers and resources to combat terrorism, including a sufficiently broad range of offences in national law to prosecute and punish those responsible for committing or supporting terrorist acts, while respecting democratic values, human rights and due process of law.

F. States should encourage the development of appropriate skills among prosecutors and judges to ensure sufficient legal expertise exists to deal with terrorism.

G. States should strengthen the legal frameworks for cooperation between national jurisdictions, including through concluding mutual legal assistance arrangements.

H. States should adopt extradition arrangements to ensure that offenders are prosecuted in the most appropriate jurisdiction and to prevent them escaping justice by moving jurisdiction. In transnational cases, States should cooperate in making their best endeavors to bring known/suspected terrorists to justice.

I. States should make concerted efforts to suppress financial support for terrorism, including through meeting existing international and regional commitments on terrorist financing and money-laundering.

J. States should consider adopting confiscation of the proceeds of crime provisions to prevent funds obtained through illicit activities being used to fund terrorist activities.

K. States should further encourage the role and active involvement of the business community in the spirit of partnership and within the framework of shared responsibility to suppress and combat transnational crime, in particular, terrorism.

L. States should support counter-terrorism efforts by coordinating the implementation of effective border controls to combat identity fraud and illicit cross-border trade in arms, drugs and people smuggling.

M. States should enhance maritime security, especially in combating sea piracy and armed robbery at sea, to prevent and suppress maritime terrorism.

N. States should take further steps to ensure aviation security to prevent aviation terrorism.

O. States should take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture.

P. States should take appropriate steps to meet the obligations of UNSCR 1373 and other relevant UN resolutions, and ratify and implement the twelve UN counter-terrorism-related conventions.

Q. Mechanisms to assist regional states including small island developing states to meet their international obligations in the area of counter-terrorism need to be further strengthened.

25. Ministers welcomed the suggestion regarding the need to strengthen cooperation among regional countries on intelligence sharing to counter terrorist financing.

26. Ministers welcomed a joint Australian and Indonesian initiative to establish a regional law enforcement cooperation centre in Indonesia to build the operational law enforcement capacity needed to fight transnational crime, with a key focus on terrorism, and expressed interest in appropriate national agencies drawing on the resources that will be provided by the

centre for operational support. Ministers supported the centre forming complementary working relations with other relevant regional bodies.

V. Follow-up

27. In order to ensure implementation of their recommendations, Ministers agreed on the following measures:

A. The establishment of an ad hoc working group of senior legal officials from around the region. Such a group would report back to Ministers on the adequacy of regional legal frameworks for counter-terrorism cooperation and identify new areas for improvement of cooperation and assistance. In particular, the group would conduct a stock-take of existing frameworks, and make recommendations for appropriate legislative action and other legal measures required to ensure: that terrorist acts and related terrorist activities are appropriately criminalised throughout regional jurisdictions; that a framework of arrangements for regional mutual legal assistance and extradition for terrorist-related offences is in place; that regional states are fully compliant with relevant UNSC Resolutions; and that regional states ratify and fully implement the twelve UN counter-terrorism-related conventions.

B. The establishment of an ad hoc working group of law enforcement practitioners to share operational experiences, formulate best practice models for fighting terrorism, develop a more effective information base, and facilitate a more effective flow of criminal intelligence, including financial intelligence, between regional law enforcement and other counter-terrorism agencies. Such a group would also provide practical guidance on the priority areas for the operational focus and activities of the proposed Indonesia Centre for Law Enforcement Cooperation.

C. To facilitate complementarity between existing institutions and effective coordination, the ad hoc working groups would be open to participation by the heads of the South East Asia Regional Centre for Counter-Terrorism (SEARCCT) in Kuala Lumpur, the International Law Enforcement Academy (ILEA) in Bangkok and the Indonesia Centre for Law Enforcement Cooperation (ICLEC).

VI. Conclusion

28. Ministers concluded that terrorism constitutes a threat to all peoples and countries, and to our common interest in ensuring peace, stability, security and economic prosperity. Ministers agreed that the campaign

against terrorism can only be won through comprehensive and balanced measures in full conformity with the purposes and principles of the Charter of the United Nations.

29. Ministers reaffirmed their full commitment to strengthening regional cooperation and coordination among relevant agencies on the practical operational aspects of combating terrorism, with a specific commitment to comprehensive and effective law enforcement cooperation, better information sharing and strengthened legal frameworks.

30. Ministers welcomed the role and partnership of the business community in the joint campaign against terrorism within the framework of shared responsibility.

31. Ministers resolved to translate the existing strong political commitments on the part of countries within the Asia Pacific region in combating terrorism into practical collaborative action.

VII. Acknowledgment

32. Ministers expressed their gratitude to their co-hosts, the Governments of Indonesia and Australia, for the excellent arrangements made for the Conference and warmly thanked the people of Bali for their generous hospitality.